

2. REMARKS / DISCUSSION OF ISSUES

Claims 1, 3-18 and 20-27 are pending in the application. Claims 1 and 18 are independent claims.

Unless indicated to the contrary, claims are amended to replace European-style phraseology with phraseology more suitable for US practice. No new matter is submitted through amendments/new claims.

Allowed Claims and Allowable Subject Matter

Applicants gratefully acknowledge the indication of allowance of claims 1-3, 17 and 27.

Applicants gratefully acknowledge the indication of allowability of the subject matter of claims 19 and 23-26 over art, and for at least the reasons discussed below, Applicants submit that these claims are in condition for allowance as well.

Rejections under 35 U.S.C. § 101

The Office Action rejects claims 18-26 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

While Applicants in no way concede the propriety of the rejection, from a review of the Office Action, it seems that the Examiner's position is predicated on the lack of a tangible result in the method. Claim 18 is amended to include:

“...providing an output representative of the detected spin magnetic moments precession for analysis.”

Thus, a concrete result of providing an output for analysis has been included in claim 18. Accordingly, for at least these reasons, Applicants respectfully submit that claims 18-26 are all patentable under 35 U.S.C. § 101.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.

s/William S. Francos/

by: William S. Francos (Reg. No. 38,456)

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